

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2015-094353

03/14/2016

HONORABLE PETER A. THOMPSON

CLERK OF THE COURT
L. Nevenhoven
Deputy

IN RE THE MARRIAGE OF
RACHELLE SEARS

HARRY P FRIEDLANDER

AND

BRIAN SEARS

CLAIR W LANE

MINUTE ENTRY

The Court has received the *Family Court Settlement Conference Report* dated March 4, 2016.

IT IS ORDERED setting this cause for **Trial** to the Court regarding the *Petition for Annulment on Non-Covenant Marriage Without Minor Children* filed October 31, 2015, and the *Response* thereto filed December 2, 2015, on **May 26, 2016, at 10:00 a.m.** before:

The Honorable Peter Thompson
Southeast Judicial District
Courtroom 204
222 East Javelina Avenue
Mesa, Arizona 85210

Time Allotted: 2 hours (10:00 a.m. – 12:00 p.m.) The Court will reserve ten minutes from each hour of trial for preliminary matters, procedural issues, and for breaks.

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LET THE RECORD REFLECT that motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

IT IS FURTHER ORDERED all discovery shall be completed by **April 26, 2016**.

A **Joint Pretrial Statement** shall be filed pursuant to Rule 76(c), Rules of Family Law Procedure, no later than **May 19, 2016**. If a Joint Pretrial Statement is impossible, then this Court will accept Separate Pretrial Statements. If the parties want to make an opening statement, it may be included in the Pretrial Statement. In addition, each party shall attach to the Pretrial Statement:

1. An updated affidavit of the current financial circumstances pursuant to Rule 6.7, Local Rules of Maricopa County.
2. A current and detailed inventory and appraisal of the property and assets of the parties.
3. A proposal of how the property and assets should be divided and the proposed disposition of each issue before the Court.
4. A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.

Objections and pretrial motions not filed by **May 12, 2016**, may be deemed waived. Postponements will be granted only in accordance with appropriate rules.

Failure of counsel or of any party to present the Joint Pretrial Statement in proper form including each and every attachment required shall, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.2(e).

If this matter is settled and will proceed in the manner of a default, you may contact this division for an expedited hearing date.

Counsel are advised that if the presentation of evidence does not allow for closing arguments, the Court may direct the parties to submit written closing arguments. If time allows for closing arguments, the Court may hear closing arguments at that time.

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IT IS ORDERED that the parties and, if represented, counsel shall provide to the clerk of this division any exhibits they shall seek to admit into evidence. **All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 11:00 a.m. on May 19, 2016. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** If there are 25 or fewer exhibits, a complete additional set of exhibits for the Bench shall be delivered at the same time as the exhibits for marking, preferably in three-hole binders with numbered dividers. **If the TOTAL number of exhibits is over 25, then please to NOT submit a bench copy.** No Trial exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. If any individual exhibit exceeds ten (10) pages in length, each page of said exhibit shall be Bates stamped (or the pages shall be numbered). **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

IT IS FURTHER ORDERED that in the event the parties have a natural or an adopted minor, unemancipated child in common, both parties shall have completed an approved Parent Education Program in accordance with A.R.S. § 25-831 et seq. Prior to the trial, and file proof thereof prior to or at the trial. **IF NEITHER PARTY HAS COMPLETED THE PARENT EDUCATION PROGRAM PRIOR TO THE TRIAL, THE COURT MAY VACATE THE TRIAL AND REQUIRE COMPLIANCE PRIOR TO PROCEEDING.** If only one party has completed the Parent Education Program, the Court may permit that party to proceed by default.

IF EITHER PARTY FAILS TO APPEAR FOR TRIAL, THE TRIAL MAY NEVERTHELESS PROCEED, AND RELIEF MAY BE ENTERED IN FAVOR OF THE PARTY WHO HAS APPEARED.

IF BOTH PARTIES FAIL TO APPEAR, THE TRIAL MAY BE VACATED AND/OR THE ACTION MAY BE DISMISSED.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate

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care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

LET THE RECORD REFLECT that this Court cannot guarantee the quality of the reception and whether a person can hear or be heard during a telephonic appearance if requested and granted. If there is difficulty with the telephonic appearance the above-set Trial will NOT be reset. Please be sure that any telephonic appearance MUST be from a land line, not a cell phone, and not on speaker phone.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.